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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 BAHAREH VARAHRAMI, R.N.
14 2312 Spectrum Way
Irvine, CA 92618

15 Registered Nurse license No. 625611

16 Respondent.

Case No. *2009-275*

A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about September 8, 2003, the Board of Registered Nursing issued
24 registered nurse license #625611 to Bahareh Varahrami, R.N. (Respondent). The registered
25 nurse license will expire on May 31, 2009, unless renewed.

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2 "(1) Formulates a nursing diagnosis through observation of the client's physical
3 condition and behavior, and through interpretation of information obtained from the client and
4 others, including the health team.

5 "(2) Formulates a care plan, in collaboration with the client, which ensures that
6 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
7 protection, and for disease prevention and restorative measures.

8 " . . .

9 "(5) Evaluates the effectiveness of the care plan through observation of the
10 client's physical condition and behavior, signs and symptoms of illness, and reactions to
11 treatment and through communication with the client and health team members, and modifies the
12 plan as needed.

13 "(6) Acts as the client's advocate, as circumstances require, by initiating action to
14 improve health care or to change decisions or activities which are against the interests or wishes
15 of the client, and by giving the client the opportunity to make informed decisions about health
16 care before it is provided."

17 9. California Code of Regulations, title 16, section 1442, states:

18 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
19 departure from the standard of care which, under similar circumstances, would have ordinarily
20 been exercised by a competent registered nurse. Such an extreme departure means the repeated
21 failure to provide nursing care as required or failure to provide care or to exercise ordinary
22 precaution in a single situation which the nurse knew, or should have known, could have
23 jeopardized the client's health or life."

24 COST RECOVERY

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
26 request the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

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3 **FACTS**

4 11. Between October 10, 2005 and April 15, 2006, B.E. went to Advanced
5 Laser Center in Temecula, California for laser hair removal. During the course of B.E.'s
6 treatment, American Laser Center purchased Advanced Laser Center. Three different nurses
7 performed laser treatment on B.E. In April 2006, Respondent was employed as a registered
8 nurse at American Laser Centers. Respondent was the nurse who performed laser treatment
9 during B.E.'s last visit to American Laser. B.E. complained that after her last visit, she
10 developed welts that became sores. Later, B.E. was diagnosed with second degree burns and
11 cellulitis.

12 **First Treatment - setting of 24 J/cm**

13 12. Nurse G performed the first laser treatment on October 10, 2005. She
14 determined B.E.'s skin type to be Type III. Nurse G tested the laser intensity on B.E.'s leg using
15 the setting of 20-24 J/cm. She subsequently performed the treatment at a setting of 24 J/cm for
16 30 msec. Nurse G noted she observed mild redness after treatment in B.E.'s chart.

17 **Second Treatment - setting of 26 J/cm**

18 13. B.E. returned on November 21, 2005 for her second treatment. For this
19 treatment, Nurse G used a setting of 26 J/cm for 30 msec on the laser. Nurse G noted she
20 observed mild redness and mild swelling at the site. The next morning B.E.'s legs were swollen
21 with welts that resolved after two weeks.

22 **Third Treatment - setting of 26 J/cm**

23 14. B.E.'s third treatment took place on January 9, 2006. She informed a new
24 nurse, Nurse W, what happened after the second treatment and asked Nurse W to turn down the
25 setting on the laser. Nurse W performed laser treatment at a setting of 26 J/cm at 30 msec.
26 Nurse W noted mild redness after the treatment.

27 **Fourth Treatment - setting of 26-28 J/cm**

28 15. B.E. was treated by Nurse W again on her fourth visit on February 20,

1 2006. During this visit, Nurse W tested B.E.'s leg at a setting of 15-26 J/cm. She performed the
2 ///
3 laser treatment using a setting of 26-28 J/cm for 30 msec. Some redness and swelling were
4 observed after the treatment.

5 **Fifth Treatment - setting of 32 J/cm**

6 16. On April 15, 2006, B.E. went to American Laser Centers for her fifth laser
7 hair removal treatment and was treated by Respondent. Unlike the prior treatments, Respondent
8 did not clean B.E.'s legs before treatment began. Respondent told B.E. that she was going to
9 turn up the laser. B.E. told Respondent that she did not want the settings on the laser increased
10 and asked Respondent to read her chart. Prior documentation showed that laser intensity had
11 been increased by no more than two levels during the preceding visits. However, Respondent
12 did not read B.E.'s chart. Instead, Respondent ignored B.E.'s wishes and told B.E. that the
13 treatment would not hurt and would not be effective at a lower intensity. Respondent performed
14 the treatment using a setting of 32 J/cm for 30 msec, an increase of four levels from the last
15 treatment and more than the recommended increment. After treatment, Respondent noted
16 "slight" redness and mild swelling at the site.

17 17. Sometime after the fifth treatment, B.E., also a registered nurse, saw a
18 surgeon at her place of employment. The surgeon gave her a prescription for Keflex and advised
19 her to see her regular doctor. On May 19, 2006, B.E. saw Dr. W. Dr. W diagnosed her with a
20 second degree burn, open lesions, cellulitis, and depression and anxiety exacerbated by the other
21 two conditions.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct - Incompetence)**

24 18. Respondent is subject to disciplinary action under Code section 2761(a)(1)
25 for incompetence as defined in title 16, California Code of Regulations, sections 1443 and
26 1443.5, in that Respondent's patient, B.E., told Respondent she did not want the settings on the
27 laser increased and asked Respondent to review her chart prior to treatment. Respondent did not
28 abide by her patient's wishes, did not review her patient's chart and increased laser intensity four

1 levels, which was more than the recommended increment. As a result, Respondent's patient
2 developed second degree burns, open lesions and cellulitis.

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4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Gross Negligence)**

6 19. Respondent is subject to disciplinary action under section 2761(a)(1) for
7 gross negligence as defined in title 16, California Code of Regulations, sections 1442 in that
8 Respondent's patient asked her not to increase laser intensity but Respondent ignored her
9 patient's wishes and her patient's safety when Respondent did not read the patient's chart and
10 increased the laser intensity four levels.

11 **PRAYER**


12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending registered nurse license No. 625611, issued to
15 Bahareh Varahrami;

16 2. Ordering Bahareh Varahrami to pay the Board of Registered Nursing the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3; and,

19 3. Taking such other and further action as deemed necessary and proper.
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21 DATED: 5/1/09

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23 
24 RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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